

A#73677

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Yukio SAWAJIRI et al

Appln. No. 10/032,326

Date Filed: December 31, 2001

For: STRIKER OF VEHICLE DOOR...



Art Unit: 3677

Examiner: T. Ho

Washington, D.C.

Atty.'s Docket: SAWAJIRI=2

Date: September 3, 2003

Confirmation No. 4583

Customer Window, Mail Stop AF
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Corres. and Mail
BOX AF

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 4583

Sir:

Transmitted herewith is a ☒ REPLY TO FINAL ACTION the above-identified application.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

☐ Applicant claims small entity status. See 37 C.F.R. §1.27.

☐ No fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20		-
INDEP.	*	MINUS	*** 3		-
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					

ADDITIONAL FEE TOTAL

SMALL ENTITY		
	RATE	ADDITIONAL FEE
x	9	\$
x	42	\$
+	140	\$
ADDITIONAL FEE TOTAL		

OTHER THAN SMALL ENTITY		
	RATE	ADDITIONAL FEE
x	18	\$
x	84	\$
+	280	\$
TOTAL		

OR

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
- ☐ Second - \$ 205.00
- ☐ Third - \$ 465.00
- ☐ Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
- ☐ Second - \$ 410.00
- ☐ Third - \$ 930.00
- ☐ Fourth - \$ 1450.00

Month After Time Period Set

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GROUP 3600

☐ Less fees (\$) already paid for ___ month(s) extension of time on _____.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ _____.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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GW
9/16/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SAWAJIRI=2

In re Application of:) Art Unit: 3677
SAWAJIRI et al) Examiner: Ho, Thomas
Appln. No.: 10/032,326) Washington, D.C.
Filed: December 31, 2001) Confirmation No. 4583
For: STRIKER OF VEHICLE DOOR) September 3, 2003
LATCH DEVICE AND ...)

REPLY TO FINAL ACTION: REQUEST FOR RECONSIDERATION

Customer Window, Mail Stop AF
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

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Sir:

The final Office Action of June 3, 2003, has been carefully reviewed. Claims 1-10 remain in the application, and the applicants again submit that these claims define patentable subject matter warranting their allowance. Accordingly, the applicants respectfully request favorable reconsideration and allowance.

Acknowledgment by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Claims 1-10 have been rejected as obvious under Section 103 from Makamura in view of Mark (previously

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Meritor), the latter having been previously applied under Section 102. The rejection is respectfully traversed.

First, applicants respectfully repeat by reference the Remarks of the preceding Reply, particularly regarding Meritor (now Mark) as previously applied under Section 102, commencing at about the middle of page 10. Applicants respectfully note that the first leg part of the device of the Mark citation has only the reinforced portion, not both a reinforced portion and a latch engaging portion.

On the other hand, newly applied Makamura, previously cited but at that time not considered sufficiently pertinent to warrant its application against any of applicants' claims, shows a structure which has only the engaging portion.

Neither reference shows a device as claimed having a first leg part having two portions, i.e. a reinforced portion and a latch engaging portion, nor is there any prior art which suggests that such a construction (not disclosed) would have any advantages sufficient to overcome the increased cost of its manufacture.

The rejection states that the combination would have been obvious "to provide added strength and durability to the striker", but this is an advantage **taught by the present application**, not by the prior art. The rejection refers to

page 3, third full paragraph of the Mark citation, but this is a teaching away from the present invention, because this teaching of Mark suggests that nothing else is needed except making the size of portion 22 and the bolt of increased thickness. The person of ordinary skill in the art, reading Mark, would adopt this teaching of Mark, but would not do what applicants have claimed by using both the engaging portion of Makamura and the added feature suggested by Mark. To the person of ordinary skill in the art, this would appear to constitute a redundancy, with no sufficient advantage to justify the added cost.


The rejection should be withdrawn, and as such is respectfully requested.

Applicants respectfully request favorable reconsideration and allowance.

Respectfully submitted,

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